

### Amendments to the Claims

#### Listing of Claims:

The listing of claims will replace all prior versions, and listings of claims in the application:

Please cancel claims 24 – 26.

1. – 22. (cancelled)

23. (currently amended) An isolated regulatory nucleotide sequence comprising ~~the sequences of base 1 to base 1311 of SEQ ID NOs: 1 or 2~~ a nucleotide sequence selected from the group consisting of SEQ ID NO: 3, 4, 5 and 6.

24. - 26 (cancelled)

27. (currently amended) An expression cassette comprising the isolated regulatory nucleotide sequence of ~~any one of claims 23, 24, 25 or 26,~~ wherein said regulatory nucleotide sequence is operably linked to an exogenous nucleotide ~~sequence encoding a~~ desired protein.

28. (previously presented) An expression vector comprising the expression cassette of claim 27.

29. (previously presented) The expression vector of claim 28 wherein the vector further comprises a promoter from any one of CaMV35S, SGB6, SEQ ID NO: 1 or 2 or 5126.

30. (currently amended) The expression vector of claim 28 wherein the ~~protein encoded by the~~ exogenous nucleotide sequence disrupts male tissue function.

31. (previously presented) A plant cell comprising the expression vector of claim 28.

32. (currently amended) An isolated regulatory nucleotide sequence comprising a fragment of SEQ ID NO: 1 or 2, said fragment comprising at least 20 consecutive bases of SEQ ID NO: 1 or 2 and which fragment is essential for regulatory activity.

33. (currently amended) A method for preventing male fertility in a plant comprising: introducing into plant cells the expression vector of claim 28, wherein the ~~protein encoded by the~~ first exogenous nucleotide sequence ~~is expressed to levels that~~ disrupts male tissue function, and regenerating the transformed plant cells to a plant, thereby preventing male fertility of the plant.

34. (previously presented) The method of claim 33, further comprising growing the regenerated plant to a male sterile plant.

35. (previously presented) The method of claim 33 wherein the regulatory nucleotide sequence is inducible.
36. (previously presented) The method of claim 35 wherein when the plant is male fertile when the regulatory sequence is induced.
37. (currently amended) A method of producing a male fertile hybrid plant comprising: cross-fertilizing the male sterile plant of claim 34 with a second plant, the second plant comprising a second exogenous nucleotide sequence ~~encoding a protein~~ that prevents expression of the first exogenous nucleotide sequence, thereby producing a male fertile hybrid plant.
38. (previously presented) A method for producing a hybrid seed comprising: (a) growing a first male sterile parent plant comprising the isolated regulatory nucleotide sequence of claim 32 operably linked to an exogenous nucleotide sequence conferring male sterility; (b) growing a second parent plant which is male fertile; and (c) cross-fertilizing the first parent plant and the second parent plant to produce the hybrid seed.
39. (previously presented) The method of claim 38, further comprising growing the hybrid seed to produce a third male sterile parent plant; growing a fourth parent plant comprising a nucleotide sequence conferring a desired trait; and cross-fertilizing the third and fourth parent plants to produce second hybrid seed.
40. (previously presented) A transformed plant regenerated from the plant cell of claim 31.
41. (previously presented) A plant cell comprising the isolated regulatory nucleotide sequence of claim 32.
42. (previously presented) A transformed plant regenerated from the plant cell of claim 41.